

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Executive to execute an Amendment to the Declaration of Covenants for the Trinity Woods Real Estate Development related to the County's Little Blue Trace Park.

**RESOLUTION. 19795**, March 26, 2018

**INTRODUCED BY** Tony Miller, County Legislator

WHEREAS, Trinity Woods Real Estate Development is a development under construction along the south side of Interstate 70 at Little Blue Parkway in Independence; and,

WHEREAS, in 2009 the County and the developer exchanged two small parcels of park property needed to add access roads to the development; and,

WHEREAS, the exchange followed the federal 6(f) conversion protocol for land purchased with Land and Water Conservation funds and Jackson County was authorized to proceed with the property swap; and,

WHEREAS, the replacement property that the County received in exchange was previously part of a larger development tract which carried a Declaration of Easements, Covenants, and Conditions that governed the development of the land; and,

WHEREAS, the Lane4 Property Group purchased the undeveloped portion of The Trinity Woods and it desires to amend the Declaration prior to the purchase, in order to allow a different use; and,

WHEREAS, the County is listed as the owner of the two small replacement parcels that were included in the Declaration; and,

WHEREAS, in order to amend the Declaration all owners of property governed by the existing Declaration, including the County, must sign the Amendment of the Declaration; and,


WHEREAS, Lane4 Property Group is requesting that Jackson County sign the amended Declaration; and,

WHEREAS, execution of the Amendment will have no negative effect on the County's use of its park property; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Executive be and hereby is authorized to sign the attached Amendment to the Declaration and any other related documents concerning the above-described property, in a form to be approved by the County Counselor.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Chief Deputy County Counselor

  
\_\_\_\_\_  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 19795 of March 26, 2018, was duly passed on March 26, 2018 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

3/26/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mary Jo Spino Clerk of Legislature

**FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS,  
CONDITIONS, AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS (this “**Amendment**”) is entered into as of \_\_\_\_\_, 2018, by and between TRINITY PROPERTY, LLC, a Kansas limited liability company (“**Trinity**” or “**Declarant**”), and the undersigned Owners who constitute all of the owners of the Property who are not also a Declarant.

**RECITALS:**

A. The Declaration of Covenants, Conditions, Easements and Restrictions dated January 1, 2007, was recorded with the Jackson County, Missouri Recorder of Deed’s Office as Instrument Number 2007E0077445 on June 12, 2007 (the “**Declaration**”), concerning the property legally described on Exhibit A.

B. Pursuant to Section 10.13 of the Declaration, the Declaration may be amended by the Declarant and all of the Owners.

C. Declarant and the Owners desire to amend the restrictions on land use and building type on the Property.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant and the Owners hereby change, amend or otherwise modify the Declaration as follows:

1. **Recitals; Capitalized Terms**. The foregoing Recitals are incorporated by reference as if fully restated herein. All capitalized terms not otherwise defined in this Amendment shall have the meanings given to such terms in the Declaration.

2. **Land Use and Building Type**. Section 4.1 of the Declaration is hereby deleted in its entirety and replaced with the following (underline shows added language, strike through shows deleted language):

“Section 4.1. Land Use and Building Type. All Buildings or other Improvements on the Property may be used only for: retail, commercial, office, restaurant, multi-family and other multi-unit housing, sporting facilities, venues, and events of all kinds (e.g., basketball courts, soccer fields, baseball fields, trampoline parks, bowling, tennis, pickleball, retail sporting goods, fitness centers, etc.), and/or hotel/lodging purposes. Examples of uses that are specifically prohibited include, but are not limited to, the following:

(a) Undesirable entertainment or recreational facilities (e.g., skating rink, amusement park, carnival, massage parlor, discotheque, dance hall, teen club, night club, bar or tavern or other social encounter club, flea market, head shop, pornographic or “adult” store);

(b) Assembling, manufacturing, industrial, processing, rendering, distilling, refining, smelting, agriculture, or moving operations;

(c) Any used automobile sales facility, "second hand" store, pawn shop, Army, Navy or government "surplus" store;

(d) ~~Any sporting event or other sports facility (which does not include a retail sporting goods store or fitness center)~~ Any agricultural use;

(e) Any use, handling, generation, storage, release, disposal or transportation of hazardous materials (including, but not limited to, underground storage tanks, petroleum and petroleum products, asbestos, PCBs, urea-formaldehyde and any other hazardous or toxic substances, pollutants, contaminants, wastes or materials), on, about or under the Property, except in the ordinary course of its business (e.g. a gas station or electric charging station) and in compliance with all environmental laws, rules or regulations respecting hazardous materials, and all present or future amendments thereto; or

(f) Any noxious or illegal purpose, or any purpose that presents a danger to the health, safety, or welfare of the public, or for any dumping, incineration or commercial disposal of garbage."

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3. **Architectural Requirements and Standards.** Section 5.1 of the Declaration where it references the Development as a "high-quality mixed-use commercial development" is hereby amended to delete the word "commercial."

4. **Full Force and Effect.** Except as expressly modified by this Amendment, all of the terms and provisions of the Declaration shall remain unmodified and in full force and effect. To the extent that any terms or provisions of the Declaration are inconsistent with the terms or provisions set forth in this Amendment, such terms and provisions shall be deemed superseded by this Amendment to the extent of such inconsistency.

5. **Covenants Run With the Land.** The covenants and agreements set forth in this Amendment shall run with the land and shall be binding upon and inure to the benefit of the Owners, and their respective successors, heirs, and assigns.

6. **Counterparts.** This Amendment may be executed in one or more counterparts, each of which shall constitute an original and all of which, when taken together, shall constitute one agreement.

[SIGNATURE PAGES FOLLOW]

Jackson County, Missouri

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me, a Notary Public, on \_\_\_\_\_,  
2018, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_,  
a \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_

[SEAL]

\_\_\_\_\_  
Notary Public in and for said County and  
State

Print Name: \_\_\_\_\_

EXHIBIT A  
LEGAL DESCRIPTION

**Tract 1**

A tract of land situated in the south half of the northwest quarter of Section 28, Township 49 north, Range 31 west, in Independence, Jackson county, Missouri, lying southeast of Little Blue Parkway (formerly Selsa Road) and west of Heartland Avenue (formerly Heartland Road), being more particularly described as follows:

Beginning at the southwest corner of said quarter; thence S 87°55'57"E (Deed S 87°54'57"E) along the south line of said quarter section a distance of 721.69 (Deed 726.52 feet) to the true point of beginning, said point being on the southeast right of way line of Little Blue Parkway (formerly Selsa Road) as described in conveyance of right of way Document No. 97I-75904 in Book I-3105 at Page 1332 and corrected by Document No. 1999I0021208 also described in report of commissioners Document No. I-177081 in Book I-506 at Page 1; thence N 58°26'26"E (Deed N 58°23'52"E) along said right of way line a distance of 848.10 feet to the westerly right of way line of Heartland Avenue as described in Document No. 97I-75904 in Book I-3105 at Page 1332 and corrected by Document 1999I0021208; thence S 31°31'28"E along said right of way line a distance of 151.17 feet; thence S 34°23'13"E (Deed S 34°21'57"E) along said right of way line a distance of 100.12 feet to a point on the westerly right of way line of Heartland Avenue as described in Document No. I-1047972 in Book I-2137 at Page 1868; thence S 31°31'28"E (Deed S 31°34'02"E) along said right of way line a distance of 152.92 feet to the p.c. of a curve to the right having a radius of 275.0 feet; thence along said curve and right of way line a distance of 76.51 feet (Deed 76.79 feet) to the p.t. of said curve; thence S 15°35'01"E (Deed S 15°34'02"E) a distance of 64.87 feet (Deed 68.81 feet) to a point on the northerly right of way line of Valley View Road; thence southwesterly along said right of way line on a curve to the left having an initial tangent bearing of S 70°06'36"W (Deed S 70°07'36"W), a radius of 332.94 feet, and a distance of 14.83 feet to a point on the south line of said quarter section; thence N 87°55'57"W (Deed N 87°54'57"W) along said south line a distance of 972.54 feet (Deed 967.61 feet) to the point of beginning.

**Tract 2**

A tract of land situated in the south half of the northwest quarter and in the south half of the northeast quarter of Section 28, Township 49 north, Range 31 west, in Independence, Jackson County, Missouri, lying southeast of Little Blue Parkway (formerly Selsa Road), east of Heartland Avenue (formerly Heartland Road), west of Valley View Parkway, north of Valley View Road and south of Crackerneck road, being more particularly described as follows:

Beginning at the southwest corner of said Northwest quarter; thence S 87°55'57"E (Deed S 87°54'57"E) along the south line of said quarter section a distance of 721.69 feet (Deed 726.52 feet) said point being on the southeast right of way line of Little Blue Parkway (formerly Selsa Road) as described in conveyance of right of way, Document No. 97I-75904 in Book I-3105 at Page 1332 and corrected by Document No. 1999I0021208 also described in report of commissioners Document No. I-177081 in Book I-506 at Page 1; thence N 58°26'26"E (Deed N 58°23'52"E) along said right of way line a distance of 908.10 feet to the true point of beginning, said point being on the easterly right of way line of Heartland Avenue as described in Document No. 97I-75904 in Book I-3105 at Page 1332 and corrected by Document No. 1999I0021208; thence N 58°26'26"E (Deed N 58°23'52"E) along said southeast right of way line a distance of 874.10 feet to a point on the westerly line of Valley View Parkway as described in Document No. 97I-75904 in Book I-3105 at Page 1332 and corrected by Document No. 1999I0021208; thence S 76°33'34"E along last said right of way line a distance of 35.35 feet; thence S 31°33'34"E along said right of way line a distance of 490.00 feet; thence N 58°26'26"E continuing along said right of way line a distance of 60.00 feet; thence N 31°33'34"W continuing along said right of way line a distance of 65.00 feet; thence N 13°26'26"E continuing along said right of way line a distance of 35.35 feet to a point on southerly right of way line of Crackerneck Road as described in last said documents; thence N 58°26'26"E continuing along said right of way line a distance of 222.82 feet to the p.c. of a curve to the right having a radius of 375.00 feet; thence along said curve and right of way line a distance of 196.35 feet to the p.t. of said curve; thence N 88°26'26"E continuing along said right of way line a distance of 10.00 feet to the p.c. of a curve to the left having a radius of 275.00 feet; thence along said curve and right of way line a distance of 414.80 feet to the p.t. of said curve; thence N 02°01'02"E continuing along said right of way line a distance of 126.57 feet; thence N 47°01'02"E continuing along said right of way line a distance of 35.36 feet; thence S 87°58'58"E continuing along said right of way line a distance of 50.00 feet; thence

N 02°01'02"E continuing along said right of way line a distance of 20.77 feet (Deed 20.00 feet) to a point on the north line of the southwest quarter of the northeast quarter of said section; thence S 87°51'03"E along said north line a distance of 709.61 feet to the northwest corner of the southeast quarter of the northeast quarter of said section; thence S 87°51'03"E along the north line of last said quarter quarter section a distance of 1034.11 feet to a point on the westerly right of way line of the Chicago & Alton Railroad Company; thence S 13°58'05"E along said railroad right of way line a distance of 104.09 feet to a point that is 100.00 south of last said north line; thence N 87°51'03"W along a line that is 100.00 feet south of and parallel with said north line a distance of 198.70 feet to a point that is 450.00 feet west of the east line of last said quarter quarter; thence S 02°34'36"W along a line that is 450.00 feet west of and parallel with last said east line a distance of 450.55 feet to a point that is 770.00 feet north of the south line of said northeast quarter; thence N 88°02'47"W along a line that is 770.00 feet north of and parallel with last said south line a distance of 1363.25 feet to a point that is 500.00 feet west of the east line of the southwest quarter of the northeast quarter of said section; thence S 02°23'08"W along a line that is 500.00 feet west of and parallel with last said east line a distance of 770.02 feet to a point on the south line of last said quarter quarter section; thence N 88°02'47"W along last said south line a distance of 54.41 feet to a point on the northerly right of way line of Valley View Road; thence westerly along said right of way line on a curve to the left having an initial tangent bearing of N 62°03'32"W, a radius of 605.00 feet and a distance of 251.29 feet to the p.t. of said curve; thence N 85°51'24"W along last said right of way line a distance of 37.06 feet to the p.c. of a curve to the left having a radius of 2280.00 feet; thence continuing along said curve and right of way line a distance of 309.16 feet to the p.t. of said curve; thence S 86°22'27"W continuing along said right of way line a distance of 67.34 feet; thence S 84°50'02"W continuing along said right of way line a distance of 132.33 feet to a point that is 30.00 feet north and 30.00 feet west of the southeast corner of the northwest quarter of said section; thence N 87°55'57"W (Deed N 87°54'57"W) continuing along said right of way line a distance of 773.81 feet (Deed 773.80 feet) to the p.c. of a curve to the left having a radius of 332.94 feet; thence along said curve and right of way line a distance of 77.55 feet to a point on the easterly right of way line of Heartland Avenue as described in Document No. I-1047972 in Book I-2137 at Page 1868; thence N 15°35'01"W (Deed N 15°34'32"W) along last said right of way line a distance of 64.87 feet (Deed 68.61 feet) to the p.c. of a curve to the left having a radius of 325.00 feet; thence along said curve and right of way line a distance of 90.42 feet (Deed 90.76 feet) to the p.t. of said curve; thence N 31°31'28"W (Deed N 31°34'02"W) continuing along said right of way line a distance of 152.91 feet to a point on the easterly right of way line of said Heartland Avenue as described in Document No. 971-75904 in Book I-3105 at Page 1332 and corrected in Document No. 1999I0021208; thence N 28°39'44"W along said right of way line a distance of 100.13 feet; thence N 31°31'28"W continuing along said right of way line a distance of 151.21 feet to the true point of beginning.



### Tract 3

A tract of land situated in the southeast quarter of the northwest quarter and in the southwest quarter of the northeast quarter of Section 28, Township 49 north, Range 31 west, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the northwest corner of the southwest quarter of the northeast quarter of said Section; thence S 87°51'03"E along the north line of said quarter quarter a distance of 40.00 feet to the true point of beginning; thence S 87°51'03"E continuing along said north line a distance of 365.45 feet to a point on the right of way line of Crackerneck Road and Valley View Parkway as described in Document No. 971-75904 in Book I-3105 at Page 1332 and corrected in Document No. 1999I0021208; thence S 02°01'02"W along said right of way line a distance of 21.23 feet (Deed 20.00 feet) thence S 87°58'58"E continuing along said right of way line a distance of 50.00 feet; thence S 42°58'58"E continuing along said right of way line a distance of 35.36 feet; thence S 02°01'02"W continuing along said right of way line a distance of 126.57 feet to the p.c. of a curve to the right having a radius of 225.00 feet; thence along said curve and right of way line a distance of 339.38 feet (Deed 339.34 feet) to the p.t. of said curve; thence S 88°26'26"W continuing along said right of way line a distance of 10.00 feet to the p.c. of a curve to the left having a radius of 425.00 feet; thence along said curve and right of way line a distance of 222.53 feet to the p.t. of said curve; thence S 58°26'26"W continuing along said right of way line a distance of 222.82 feet; thence N 76°33'34"W continuing along said right of way line a distance of 35.35 feet; thence N 31°33'34"W continuing along said right of way line a distance of 325.00 feet; thence N 13°26'26"E continuing along said right of way line a distance of 35.35 feet to a point on southeast right of way line of Little Blue Parkway as described in Document No. 971-75904 in Book I-3105 at Page 1332 and corrected by Document No. 1999I0021208 also described in report of commissioners as described in Document No. I-177081 in Book I-506 at Page 1; thence N 58°26'26"E along last said right of way line a distance of 63.66 feet to the p.c. of a curve to the left having a radius of 776.78 feet; thence along said curve and last said right of way line a distance of 325.49 feet (Deed 325.50 feet); thence S 55°34'04"E (Deed S 55°36'48"E) continuing along said right of way line a distance of 26.99 feet (Deed 24.14 feet) to a point on the westerly right of way line of old Selsa Road, now vacated; thence N 02°11'45"E along said vacated westerly right of way line a distance of 8.42 feet; thence S 87°48'15"E along the vacated right of way of Old Selsa road a distance of 40.00 feet to a point that is 20.00 feet south of the northwest corner of the southwest quarter of the northeast quarter of said section; thence S 87°48'15"E continuing along said vacated right of way line a distance of 40.00 feet to a point on the east right of way line of Old Selsa Road; thence N 02°11'45"E along said east right of way line a distance of 20.03 feet to the true point of beginning.

### Tract 4

A tract of land situated in the northwest quarter of the northeast quarter of Section 28, Township 49 north, Range 31 west, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the southwest corner of said quarter quarter section; thence S 87°51'03"E along the south line of said quarter quarter section a distance of 1056.00 feet; thence N 02°11'45"E a distance of 30.00 feet to the true point of beginning, said point being on the north right of way line of Crackerneck Road as described in Jackson County Road Record Book 2 at Page 91; thence N 87°51'03"W along said right of way line a distance of 230.00 feet; thence N 02°11'45"E a distance of 250.00 feet; thence S 87°51'03"E a distance of 230.00 feet; thence S 02°11'45"W a distance of 250.00 feet to the true point of beginning.

## Tract 5

Lots 1 thru 5, TRINITY LOTS 1-5, a subdivision in Independence, Jackson County, Missouri, according to the recorded plat thereof:

EXCEPTING therefrom the following tract of land as described in Document No. I-0075665 in Book I-2932 at Page 2287:

A tract of land located in the northeast quarter of the northwest quarter of Section 28, Township 49, Range 31, Independence, Jackson County, Missouri, being more particularly described as follows:

Commencing at the southwest corner of the northeast quarter of the northwest quarter of said section 28; thence North 81 degrees 08 minutes 59 seconds East a distance of 332.94 feet; thence north 08 degrees 51 minutes 01 seconds west a distance of 20.00 feet to the point of beginning of the tract of land to be described; thence south 81 degrees 08 minutes 59 seconds west a distance of 80.00 feet; thence north 08 degrees 51 minutes 01 seconds west a distance of 80.00 feet; thence north 81 degrees 08 minutes 59 seconds east a distance of 80.00 feet; thence south 08 degrees 51 minutes 01 seconds east a distance of 80.00 feet to the point of beginning.

## Tract 6

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at point 330.00 feet North of the South line of said Quarter Quarter Section and 726.00 feet East of the West line of said Quarter Quarter Section; thence North 87 degrees 51 minutes 03 seconds West parallel with said South line a distance of 183.90 feet; thence North 02 degrees 11 minutes 45 seconds East parallel with said West line a distance of 94.97 feet to a point on the Southerly right of way line of I-70 as taken under Condemnation Suit CV97-9441 as shown in the Reports of Commissioners filed as Document No. 1999I0080908 and filed as Document No.2000I0011892; thence North 85 degrees 52 minutes 07 seconds East along said Southerly line a distance of 185.03 feet to a point that is 726.00 feet East of said West line; thence South 02 degrees 11 minutes 45 seconds West parallel with said West line a distance of 115.21 feet to the point of beginning.

## Tract 7

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the Southeast corner of said Quarter Quarter Section; thence North 87 degrees 51 minutes 03 seconds West along the South line of said Quarter Quarter Section a distance of 164.00 to the true point of beginning; thence North 87 degrees 51 minutes 03 seconds West continuing along said South line a distance of 100.00 feet to the Southwest corner of the East eight acres of said Quarter Quarter Section; thence North 02 degrees 23 minutes 08 seconds East along the West line of said East eight acres a distance of 400.00 feet; thence South 87 degrees 51 minutes 03 seconds East a distance of 100.00 feet; thence South 02 degrees 23 minutes 08 seconds West parallel with said West line a distance of 400.00 feet to the point of beginning.

## Tract 8

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the Southwest corner of said Quarter Quarter Section; thence South 87 degrees 51 minutes 03 seconds East (Deed S 87 degrees 50 minutes 55 seconds East) along the South line of said Quarter Quarter Section a distance of 34.50 feet (Deed 34.60 feet) to the true point of beginning; thence North 02 degrees 08 minutes 57 seconds East (Deed North 02 degrees 09 minutes 05 seconds East perpendicular to last said line a distance of 29.89 (Deed 29.87 feet) to a point on the Easterly right of way line I-70 (now Little Blue Parkway) as taken under Condemnation Suit CV97-9441 as shown in the Reports of Commissioners filed as Document No. 1999I0080908 and filed as Document No.2000I0011892, said point being 249.898m (819.88 feet) right of station 23+103.612 of Route I-70; thence North 20 degrees 00 minutes 47 seconds East along said right of way line a distance of 204.35 feet to a point on the Southerly right of way line I-70 as taken under Condemnation Suit CV97-9441 as shown in the Reports of Commissioners filed as Document No. 1999I0080908 and filed as Document No.2000I0011892, said point being 188.601m (618.77 feet) right of station 23+114.659 of Route I-70; thence North 35 degrees 06 minutes 02 seconds East (Deed North 35 degrees 06 minutes 01 seconds East) along said Southerly right of way line a distance of 125.86 feet (Deed 125.87 feet) to a point that is 330.00 feet North of the South line of said Quarter Quarter Section; thence South 87 degrees 51 minutes 03 seconds East (Deed South 87 degrees 50 minutes 55 seconds East) parallel with said South line a distance of 292.03 feet (Deed 291.94 feet) to a point that is 457.40 feet East of the West line of said Quarter Quarter Section; thence South 02 degrees 11 minutes 45 seconds West (Deed South 02 degrees 12 minutes 01 seconds West) parallel with said West line a distance of 330.00 feet to a point of said South line; thence North 87 degrees 51 minutes 03 seconds West (Deed 87 degrees 50 minutes 55 seconds West) along said South line a distance of 422.90 feet (Deed 422.80 feet) to the point of beginning.

## Tract 9

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the Southwest corner of said Quarter Quarter Section; thence South 87 degrees 51 minutes 03 seconds East along the South line of said Quarter Quarter Section line a distance of 457.40 feet to the true point of beginning; thence North 02 degrees 11 minutes 45 seconds East (Deed North 02 degrees 12 minutes 01 seconds East) parallel with the West line of said Quarter Quarter Section line a distance of 330.00 feet; thence South 87 degrees 51 minutes 03 seconds East (Deed 87 degrees 50 minutes 55 seconds East) parallel with said South line a distance 269.61 feet (Deed 268.60 feet) to a point that is 726.00 feet East of said West line; thence North 02 degrees 11 minutes 45 seconds East (Deed North 02 degrees 12 minutes 01 seconds East) parallel with said West line a distance of 115.21 feet (Deed 115.22 feet) to a point on the Southerly right of way line of I-70 as taken under Condemnation Suit CV97-9441 as shown in the Reports of Commissioners filed as Document No. 1999I0080908 and filed as Document No.2000I0011892; thence North 85 degrees 52 minutes 07 seconds East along said Southerly line a distance of 332.02 feet (Deed 332.03 feet) to a point that is 1056.00 feet East of said West line; thence South 02 degrees 11 minutes 45 seconds West (Deed South 02 degrees 12 minutes 01 second West) parallel with said West line a distance of 201.54 feet (Deed 201.56 feet) to a point that is 280.00 feet North of said South line; thence North 87 degrees 51 minutes 03 seconds West (Deed North 87 degrees 50 minutes 55 seconds West) parallel with said

South line a distance of 230.00 feet; thence South 02 degrees 11 minutes 45 seconds West (Deed South 02 degrees 12 minutes 01 seconds West) parallel with said West line a distance of 280.00 feet to a point on said South line; thence North 87 degrees 51 minutes 03 seconds West (Deed North 87 degrees 50 minutes 55 seconds West) along said South line a distance of 368.60 feet to the true point of beginning.

EXCEPT that part thereof lying within the land described as follows:

All that part of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri more particularly as follows:

Beginning as the Southeast Corner of the Northwest Quarter of said Northeast Quarter; thence North 87 degrees 51 minutes 03 seconds West along the South line of said Quarter Quarter Section a distance of 164.00 feet to the Southeast corner of a tract of land described in Document No. I-496753 recorded in Book I-1163 at Page 1784, said point also being South 87 degrees 51 minutes 03 seconds East a distance of 1151.07 feet from the Southwest corner of said Quarter Quarter Section; thence North 02 degrees 23 minutes 08 seconds East along the East line of last said tract a distance of 400.00 feet to the Northeast corner of last said tract; thence North 87 degrees 51 minutes 03 seconds West along the North line of last said tract a distance of 99.21 feet to the TRUE POINT OF BEGINNING, said point being on the West line of the East eight acres of the Northwest Quarter of the Northeast Quarter of said Section 28; thence North 02 degrees 23 minutes 08 seconds East along last said line a distance of 138.60 feet to a point on the Southerly right of way line of Route I-70 as taken under Condemnation Suit No. 123782, as shown on the Report of Commissioners Document No. 733591, recorded in Book 1354 at Page 275, said point being 180.00 feet Southerly of Route I-70 improvements centerline; thence South 80 degrees 12 minutes 10 seconds East along said right of way line a distance of 2.38 feet to a point on the East line of a tract of land described in Document No. I-484358 recorded in Book I-1138 at Page 856; thence South 02 degrees 11 minutes 45 seconds West along last said line a distance of 138.29 feet to the North line of a tract of land described in Document No. I-496753 recorded in Book I-1163 at Page 1784; thence North 87 degrees 51 minutes 03 seconds West along the North line of last said tract a distance of 2.82 feet to the true point of beginning.

#### Tract 10

A tract of land situated in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, more particularly described as follows:

Beginning at the Southwest corner of the Northwest Quarter of the Northeast Quarter of said section; thence South 87 degrees 51 minutes 03 seconds East along the South line of said Quarter Quarter section a distance of 34.50 feet; thence North 02 degrees 08 minutes 57 seconds East perpendicular to last said line a distance of 29.89 feet to the true point of beginning, said point being on the Easterly right of way line I-70 (now Little Blue Parkway) as taken under Condemnation Suit No. CV97-9441 as shown in the Reports of Commissioners filed as Document No. 1999I0080908 and filed as Document No. 2000I0011892, said point also being 249.898m (819.88 feet) right of station 23+103.612 (757+99.10 feet) of Route I-70; thence North 80 degrees 12 minutes 10 seconds West a distance of 61.38 feet to a point that is 60.00 right of station 24+71.85 of Little Blue Parkway, said point being on a curve to the left having a radius of 913.02 feet and an initial tangent bearing of North 32 degrees 38 minutes 56 seconds East; thence Northerly along said curve 60.00 right of and parallel with the centerline of said Little Blue Parkway a distance of 216.24 feet to a point that is 612.57 feet right of station 757+97.42 of I-70; thence South 70 degrees 55 minutes 14 seconds East a distance of 38.42 feet to a point on said Easterly right of way line of I-70 (now Little Blue Parkway) said point being 188.601m (618.77 feet) right of I-70 station 23+114.659 (758+35.34 feet); thence South 20 degrees 00 minutes 47 seconds West along said Easterly line a distance of 204.35 feet to the point of beginning.

## Tract 11

A tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri more particularly described as follows:

Beginning at the Southwest corner of said Quarter Quarter section; thence South 87 degrees 51 minutes 03 seconds East along the South line of said Quarter Quarter section a distance of 457.40 feet; thence North 02 degrees 11 minutes 45 seconds East parallel with the West line of said Quarter Quarter section line a distance of 330.00 feet; thence South 87 degrees 51 minutes 03 seconds East parallel with said South line a distance 84.70 feet; thence North 02 degrees 11 minutes 45 seconds East parallel with said West line a distance of 94.97 feet to the true point of beginning, said point being on the Southerly right of way line of I-70 as taken under Condemnation Suit No. CV97-9441 as shown in the Reports of Commissioners Document No. 1999I0080908 and Document No. 2000I001892; thence North 02 degrees 11 minutes 45 seconds East parallel with said West line a distance of 63.07 feet to a point that is 298.20 feet right of station 762+41.59 of I-70; thence North 86 degrees 34 minutes 06 seconds East a distance of 516.49 feet to a point that is 180.00 feet right of station 767+44.39 of I-70 said point being on the Easterly right of way line of I-70 as taken under Condemnation Suit No. CV97-9441 as shown in the Reports of Commissioners Document No. 1999I0080908 and Document No. 2000I001892; thence South 02 degrees 11 minutes 19 seconds West along said Easterly line a distance of 56.72 feet to a point that is 236.22 feet right of station 767+51.90 of I-70, said point being on the Southerly right of way line of I-70 as taken under Condemnation Suit No. CV97-9441 as shown in the Reports of Commissioners Document No. 1999I0080908 and Document No. 2000I001892; thence South 85 degrees 52 minutes 07 seconds West along said Southerly line a distance of 517.16 feet to the point of beginning.

EXCEPT that part thereof lying within the land described as follows:

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All that part of the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri more particularly as follows:

Beginning as the Southeast Corner of the Northwest Quarter of said Northeast Quarter; thence North 87 degrees 51 minutes 03 seconds West along the South line of said Quarter Quarter Section a distance of 164.00 feet to the Southeast corner of a tract of land described in Document No. I-496753 recorded in Book I-1163 at Page 1784, said point also being South 87 degrees 51 minutes 03 seconds East a distance of 1151.07 feet from the Southwest corner of said Quarter Quarter Section; thence North 02 degrees 23 minutes 08 seconds East along the East line of last said tract a distance of 400.00 feet to the Northeast corner of last said tract; thence North 87 degrees 51 minutes 03 seconds West along the North line of last said tract a distance of 99.21 feet to the TRUE POINT OF BEGINNING, said point being on the West line of the East eight acres of the Northwest Quarter of the Northeast Quarter of said Section 28; thence North 02 degrees 23 minutes 08 seconds East along last said line a distance of 138.60 feet to a point on the Southerly right of way line of Route I-70 as taken under Condemnation Suit No. 123782, as shown on the Report of Commissioners Document No. 733591, recorded in Book 1354 at Page 275, said point being 180.00 feet Southerly of Route I-70 improvements centerline; thence South 80 degrees 12 minutes 10 seconds East along said right of way line a distance of 2.38 feet to a point on the East line of a tract of land described in Document No. I-484358 recorded in Book I-1138 at Page 856; thence South 02 degrees 11 minutes 45 seconds West along last said line a distance of 138.29 feet to the North line of a tract of land described in Document No. I-496753 recorded in Book I-1163 at Page 1784; thence North 87 degrees 51 minutes 03 seconds West along the North line of last said tract a distance of 2.82 feet to the true point of beginning.

### Tract 12

All that part of the following described tract in the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 28, Township 49, Range 31, in Independence, Jackson County, Missouri, lying South of U.S. Interstate Highway #70: Beginning at a point 20 poles North of the Southwest corner of said  $\frac{1}{4}$  of  $\frac{1}{4}$  Section; thence East 44 poles; thence North 60 poles; thence West 44 poles; thence South 60 poles to beginning EXCEPT part in Section 28, Township 49, Range 31, Independence, Jackson County, Missouri, described as follows: Beginning at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 28, Township 49, Range 31; thence North 330.00 feet; thence East 726.00 feet to the true point of beginning; thence North 206.35 feet to the South right-of-way line of I-70 Highway; thence West along said right-of-way 17.00 feet; thence Northwesterly along said right-of-way 155.00 feet; thence South 252.04 feet; thence East 183.90 feet to the true point of beginning, and EXCEPT that part taken under condemnation Suit CV97-9441 as shown in the Report of Commissioners filed as Document No. 1999-I-0080908 and in Document No. 2000-I-0011892.

### Tract 13

A tract of land situated in the Northeast Quarter of Section 28, Township 49 North, Range 31 West, in Independence, Jackson County, Missouri, lying within the widths on the right or southerly side of the following described Route I-70 improvement centerline, to-wit: Beginning at a width of 442.91 feet at Station 759+18.48; thence decreasing uniformly to a width of 365.56 feet at Station 759+55.05; thence decreasing uniformly to a width of 298.20 feet at Station 762+41.59; thence increasing uniformly to a width of 360.71 feet at Station 762+49.93; thence increasing uniformly to a width of 442.91 feet at Station 759+18.48; containing 20,625 square feet, more or less.

The Route I-70 improvement centerline is located and described as follows: Commencing at the Northeast corner of the Northwest Quarter of Section 28, T49N, R31W; thence South  $09^{\circ}47'50''$  West a distance of 462.22 feet to a point on said centerline at Station 755+93.22; thence the centerline extends South  $80^{\circ}12'10''$  East a distance of 1178.28 feet to Station 767+71.50.

### Tract 14

**A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 49, RANGE 31, INDEPENDENCE, JACKSON COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 28; THENCE NORTH 81 DEGREES 08 MINUTES 59 SECONDS EAST A DISTANCE OF 332.94 FEET; THENCE NORTH 08 DEGREES 51 MINUTES 01 SECONDS WEST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND TO BE DESCRIBED; THENCE SOUTH 81 DEGREES 08 MINUTES 59 SECONDS WEST A DISTANCE OF 80.00 FEET; THENCE NORTH 08 DEGREES 51 MINUTES 01 SECONDS WEST A DISTANCE OF 80.00 FEET; THENCE NORTH 81 DEGREES 08 MINUTES 59 SECONDS EAST A DISTANCE OF 80.00 FEET; THENCE SOUTH 08 DEGREES 51 MINUTES 01 SECONDS EAST A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.**

**Tract 15**

**ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 31 WEST, IN INDEPENDENCE, JACKSON COUNTY, MISSOURI, AS DESCRIBED IN DOCUMENT NUMBER 2001I 0024538, RECORDED APRIL 11, 2001 IN THE OFFICE OF THE JACKSON COUNTY DEPARTMENT OF RECORDS AND MORE PARTICULARLY AS FOLLOWS:**

**BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER, SAID POINT BEING S 87°51'03"E A DISTANCE OF 1151.07 FEET FROM THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION AND SAID POINT ALSO BEING N 87°51'03"W A DISTANCE OF 164.00 FEET FROM THE SOUTHEAST CORNER OF THE SAID QUARTER QUARTER SECTION AND SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DOCUMENT NUMBER I-496753 RECORDED IN BOOK I-1163 AT PAGE 1784; THENCE N 02°23'08"E ALONG THE EAST LINE OF LAST SAID TRACT A DISTANCE OF 400.00 FEET TO THE NORTHEAST CORNER OF LAST SAID TRACT; THENCE N 87°51'03"W ALONG THE NORTH LINE OF LAST SAID TRACT A DISTANCE OF 99.21 FEET TO A POINT ON THE WEST LINE OF THE EAST EIGHT ACRES OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE N 02°23'08"E ALONG LAST SAID LINE A DISTANCE OF 138.60 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ROUTE I-70 AS TAKEN UNDER CONDEMNATION SUIT NUMBER 123782, AS SHOWN IN THE REPORT OF COMMISSIONERS DOCUMENT NUMBER 733591, RECORDED IN BOOK 1354 AT PAGE 275, SAID POINT BEING 180.00 FEET SOUTHERLY OF ROUTE I-70 IMPROVEMENTS CENTERLINE; THENCE S 80°12'10"E ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 1196.10 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF THE KANSAS CITY, ST. LOUIS AND CHICAGO RAILROAD COMPANY; THENCE S 13°58'05"E ALONG LAST SAID RIGHT OF WAY LINE A DISTANCE OF 394.94 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE N 87°51'03"W ALONG LAST SAID LINE A DISTANCE OF 1034.11 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE N 87°51'03"W ALONG THE SOUTH LINE OF LAST SAID QUARTER QUARTER SECTION A DISTANCE OF 164.00 FEET TO THE POINT OF BEGINNING.**